

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

BENJAMIN WEY and  
SEREF DOĞAN ERBEK,

Defendants.

Crim. Action No.: 15-CR-00611 (AJN)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the annexed Declaration of David Siegal, dated May 27, 2016 and the exhibits thereto, and the accompanying Memorandum of Law dated May 27, 2016, defendant Benjamin Wey will move this Court, before Judge Alison J. Nathan, United States District Judge, on a date to be determined by the Court, for an Order (i) suppressing evidence seized pursuant to search warrants executed on or about January 25, 2012 at the offices of NYG Capital, LLC, located at 40 Wall Street, 38th Floor, New York, New York, and Mr. Wey's apartment located at West Street in New York, New York; (ii) dismissing the Indictment for various grounds including that certain counts are improperly duplicitous or fail to allege a fraud, and for prejudicial pre-indictment delay; (iii) permitting the deposition of co-defendant Seref Doğan Erbek pursuant to Rule 15; and (iv) striking from the Indictment all references to Mr. Wey's purported a/k/as, and for such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Court's Order, any opposing affidavits and answering memoranda of law must be served by June 24, 2016 and any replies to the opposing affidavits and answering memoranda of law must be served by July 15, 2016.

Dated: May 27, 2016

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